

1990

# United States Fidelity v. Sandt : Unknown

Utah Supreme Court

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Gregory J. Sanders; Kipp and Christian; Attorneys for Appellant.

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BRIEF

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FILED

MAY 29 1992

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May 28, 1992

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Mr. Geoffrey J. Butler, Clerk  
Supreme Court  
332 State Capitol Building  
Salt Lake City, Utah 84114

Re: Supreme Court No. 900601, Priority 16

Dear Mr. Butler:

Pursuant to Rule 24(j) of the Utah Rules of Appellate Procedure, I am sending you copies of pertinent and significant authorities which have come to our attention after we filed our client's brief and after the oral argument. Since the oral argument, HB 14 was signed into law by Governor Bangert. We were not aware that this bill contained a provision relating to under-insured motorist coverage until after oral argument.

We are submitting the bill in response to appellant's claim that its policy provisions were not against public policy. As can be seen in the legislative transcript which we have attached for the court's convenience, a public policy existed in Utah prior to the passage of HB 14 relating to truth in insurance. We believe that the bill and the legislative history will be helpful to the court to understand what the public policy was at the time the incident occurred which gave rise to this lawsuit.

Also, we believe the following cases will be helpful to the court in determining this matter: Utah Farm Production Credit Association v. Hansen, 738 P.2d 642 (Utah App. 1987) and Christopher v. Larson Ford Sales, 557 P.2d 1009.

Sincerely,

  
James D. Vilos

JDV/mb  
Enclosures  
cc: Mr. Gregory J. Sanders  
KIPP AND CHRISTIAN, P.C.

1011CLERK.527



SENATE CHAMBER  
STATE OF UTAH  
SALT LAKE CITY

**CERTIFICATION OF LEGISLATIVE TRANSCRIPT**

I hereby certify that the attached document consisting of 2 signed pages is a true and authentic verbatim record of the discussion of Senate Bill/House Bill No. SHB 14 which occurred in the Senate Chamber during the 1992 General Legislative Session on 2/21/92 and is recorded on Disk/Tape No. 40 in the Senate Office.

Annette B. Moore  
Name

Leadership Secretary  
Title

4/24/92  
Date Certified

I further certify that this is only a partial transcript of the Senate floor debate of Substitute House Bill 14 on 2/21/92 since it does not include the clarifying amendments presented by Senator Black and commented on by Senator Rees. Annette B. Moore

1011 Sandt  
Debates:

Substitute House Bill 14. Motor Vehicle Insurance Amendments by Representative Kelly C. Atkinson and the Committee Report, Feb. 3, 1992, Mr. President.

The health and environment standing Committee to which was referred Substitute House Bill 14, Motor Vehicle Insurance Amendments by Representative Atkinson and others have carefully considered the bill and reports that out of Committee with a favorable recommendation. Respectfully Senator Stephen J. Reese, Committee Chair.

Senator Reese, Committee Report- Those in favor say, Aye. Aye.  
Opposed, say No: Motion carries.

Senator Reese:

Thank you Senators. House Bill 14 is an effort to accomplish two things. First, it attempts to bring Utah's liability automobile insurance limits in line with the surrounding states regarding minimum basic coverage. Out of the eight surrounding states, six states have higher minimum liability coverage than Utah; two are lower. The coverage suggested in HB 14 would increase liability limits by \$5,000 per individual, \$10,000 per accident, \$5,000 for property damages. New coverage \$25,000 per person, \$50,000 per accident, \$15,000 per property. These small changes bring Utah's liability limits up with 24 other states in this nation and six of

the eight states surrounding us. The added protection will not sufficiently increase the cost to the less than 20% of Utahns that now choose to purchase the minimum liability limits. Second, HB 14 educates the consumer on a new type of coverage which is now provided by almost every insurance company in the nation but is not well understood by the general public. The new coverage is called Underinsurance. It allows the motorist to purchase additional insurance. This protects against being hit by someone that carries inadequate coverage. HB 14 also creates a truth in insurance provision when it states that its illegal to offset or subtract or reduce the amount of your underinsurance coverage by the other person's liability limit. HB 14 states that all underinsurance must be stacked on the underinsured motorist's existing coverage always guaranteeing that the consumer is buying protection through his or her purchase. Legislative history shows that in 1973 the minimum coverage was increased from \$10,000 per person and \$20,000 per accident to the 1981 level of \$15,000 per person and \$30,000 per accident. After ten years it's again time for the Utah minimum mandatory liability coverage to be increased. ~~I am glad to act responsibly.~~ *I would be glad to respond to questions* *am*

Senator Black:

Yes, Mr. President and Members of Body.

1011HB14